

BOARD OF SELECTMEN'S MINUTES – APRIL 10, 2006

I. Call to Order/Roll Call

Chairman Ted E. Teichert called the Regular Meeting of the Board of Selectmen to order at 7:04 P.M. in the Selectmen's conference room at the Town Offices. Present at the meeting were: Chairman Teichert and Selectmen Mary K. Lyman, Brian P. Major, John P. Hess and Alex J. Vispoli. Also present was Town Manager Reginald S. Stapczynski. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Chairman Teichert called for a Moment of Silence followed by the Pledge of Allegiance. The Town Manager asked those in attendance to remember long-time Town employee Kenneth Parker, Plant and Facilities Superintendent of Buildings, who passed away on Friday, April 7th.

III. Communications/Announcements/Liaison Reports

Town Clerk Randy Hanson

- Reviewed the March 28th Town Election results. She reported that 2,610 or 13% of the registered voters participated in the Election. She commended her staff and pollworkers for their efforts.

Town Manager Reginald S. Stapczynski

- Received a letter from Attorney Robert Lavoie withdrawing Annual Town Meeting warrant article #45 – re-zone 175 Haverhill Street from SRB to Office Park.
- In recognition of National Volunteer Month, the Senior Center will honor their 200+ volunteers at a reception on April 28th at the Town House.
- The High Plain Road compost site is now open from April 10th through May 20th for grass clippings only.
- Curbside leaf collection will be held from April 18th through May 26th.
- The Household Hazardous Waste collection will take place on May 13th from 9:00 A.M. to 1:00 P.M. at the West Elementary School parking lot.
- The CRT (computers, TVs and mercury) collection will take place on May 20th and June 17th from 9:00 A.M. to 1:00 P.M. at the West Middle School parking lot.
- Chapter 90 funds for roads will be \$813,817.
- National Grid has notified the Town that they will shutting off power on several streets throughout the Town on May 3rd from 9:00 A.M. to 1:30 P.M. Notices have been sent to all affected residences informing them of the upcoming outages.
- Utility work on Barnard Street started on Thursday, April 6th. Several cars were towed from the area as a result of the street closing, however, signage has been placed and was visible. The work will continue from 7:00 P.M. to 5:00 A.M. through April 12th. The street will then be closed permanently for three to four weeks during construction. All business owners were notified of the schedule with a flier.

III. Communications/Announcements/Liaison Reports (Cont.)

Selectman Alex Vispoli

- Recognized two scouts from Troop 76, Ballardvale United Church, in attendance at the meeting working on their Citizen and Community badge.

Selectman Mary Lyman

- Requested that the Town Manager check on a flier from the Coalition for Andover Schools that was sent home with students in their backpacks. The flier was approved by the Superintendent of Schools, however, she has received many calls from residents concerned that the information in the flier is not factual.

Selectman John Hess

- Asked if there was a policy on residents using dumpsters at the schools. The Town Manager responded that dumpsters are not locked so that residents can place items in them as he would prefer they use the dumpsters rather than have items discarded along the side of the road.

Selectman Ted Teichert

- Thanked Greta Cuyler for the local coverage she has provided during her tenure as an *Andover Townsman* reporter and wished her well in her new position.
- Noted that this is his last meeting as Chairman of the Board and thanked all of the members and Town Manager for their support over the last year.

IV. Approval of Consent Agenda Items

A. Appointments and Re-appointments

A motion was made by Selectman Major, seconded by Selectman Hess, to appoint Gail Ralston to the Conservation Commission replacing Robert Pustell with a term to expire June 30, 2006. The motion passed 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Hess, to designate Robert A. Pustell as an Emeritus Member of the Conservation Commission. The motion passed 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Lyman, to appoint Richard Bourdelais as the Superintendent's Appointee to the Scholarship Committee to replace Leo Lafond with a term to expire June 30, 2006. The motion passed 5 – 0.

B. Earth Day Yard Sale

A motion was made by Selectman Vispoli, seconded by Selectman Major, to approve the request of Mary Donohue, Community Services Director, to conduct the Annual Earth Day Yard Sale in The Park on Saturday, April 29, 2006 from 9:00 A.M. to 3:00 P.M. (raindate – Sunday, April 30th). It was noted that the request has been reviewed and approved with conditions by the Police Department. The motion passed 5 – 0.

IV. Approval of Consent Agenda Items (Cont.)

C. Common Victualler License

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the request of Brinker Massachusetts Corporation, 6820 LBJ Freeway, Dallas, TX, d/b/a Chili's Grill & Bar, for a Common Victualler license for use at 131 River Road, Andover. It was noted that the request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion passed 5 – 0.

D. One-Day Beer & Wine License

A motion was made by Selectman Hess, seconded by Selectman Vispoli, to approve the request of Robin Calderwood, Calderwood Tailored Cuts, 5 Main Street, Andover, for a one-day beer & wine license for use at her place of business (5 Main Street) on Thursday, April 20, 2006 from Noon to 9:00 P.M. for a grand opening celebration. It was noted that the request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion passed 5 – 0.

E. Vehicle for Hire License Renewals

A motion was made by Selectman Major, seconded by Selectman Lyman, to approve the following Vehicle for Hire license renewals effective May 1, 2006 through April 30, 2007 as presented by Town Clerk Randy Hanson. It was noted that the licenses have been reviewed and approved by the Police Department and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses:

- Central Car Services (formerly Andover Towne Taxi), 2 Dundee Park, Suite B-08 15 licenses approved – currently 14 cars licensed
- J & J Shuttle, Inc., 89 North Main Street – 5 licenses approved – currently 5 cars licensed

The motion passed 5 – 0.

F. Storage of Inflammable

A motion was made by Selectman Vispoli, seconded by Selectman Major, to approve the Storage of Inflammable license renewals effective May 1, 2006 through April 30, 2007 as presented by Town Clerk Randy Hanson. It was noted that the licenses have been reviewed and approved by the Fire-Rescue Department and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The motion passed 5 – 0.

IV. Approval of Consent Agenda Items (Cont.)

G. Secondhand Dealer License Renewals

A motion was made by Selectman Lyman, seconded by Selectman Hess, to approve the following Secondhand Dealer license renewals effective May 1, 2006 through April 30, 2007 as presented by Town Clerk Randy Hanson. It was noted that the licenses have been reviewed and approved by the Police Department and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses:

Andover Photo, Inc., 27 Barnard Street	Bell-Time Clocks, 53 Poor Street
Dino International Furs, 33 Main Street	E & J Music, 5A Lowell Street
Grecoe Jewelers, 26 Park Street	LVP, Inc., d/b/a Optec, 19 Lupine Road, Unit A

The motion passed 5 – 0.

V. Citizens Petitions and Presentations

None this evening.

VI. Public Hearings

A. Bay State Gas Company

Bay State Gas Company is requesting permission to excavate for the purpose of extending and/or maintaining gas mains and to make the necessary house connections along extensions as follows. Chairman Teichert noted that all of the requests have been reviewed and approved by the Department of Public Works with the condition that prior to construction a street opening permit must be obtained from the Department of Public Works:

- To excavate approximately 50 feet on Main Street to Chapman Avenue to replace the existing 2" bare steel gas main with 4" HDPE.

A representative from the Bay State Gas Company appeared before the Board and outlined the work to be done for each request and indicated that notices had been sent to all of the affected residents.

Residents from 2 Chapman Avenue and 124 Main Street appeared before the Board and inquired about the timing of the work and whether the road would be restored once the work has been completed. The BSG representative said the work would commence in approximately two weeks, would take two days and assured them that the road would be restored and leveled once the work has been completed.

A motion was made by Selectman Major, seconded by Selectman Hess, to approve the request as presented. The motion passed 5 – 0.

VI. Public Hearings (Cont.)

A. Bay State Gas Company (Cont.)

- To excavate approximately 575 feet on Dartmouth Road crossing Princeton Avenue to replace the existing 2" bare steel gas main with 4" HDPE main and to excavate approximately 20 feet on Corbett Street to tie-in with the new main.

The BSG representative reported that the work in this area will begin in June. He indicated that gas connections to homes will be shut off during the work and that service will start up immediately once the work has been completed.

A motion was made by Selectmen Vispoli, seconded by Selectman Major, to approve the request as presented. The motion passed 5 – 0.

- To excavate approximately 1,500 feet on Karlton Circle to replace the existing 4" bare steel gas main with 4" HDPE main and to excavate approximately 240 feet on Forbes Lane to replace the existing 4" bare steel gas main with 4" HDPE and to excavate approximately 25 feet at 4 Forbes Lane to tie-in the new main.

A motion was made by Selectman Hess, seconded by Selectman Vispoli, to approve the request as presented. The motion passed 5 – 0.

- Emergency repairs and main replacements including service renewals to Lockway

Road and Carmel Road. Excavation will be done at the intersection of Elm Street and Walnut Avenue to tie the new main into the existing main.

John Doherty, 69 Carmel Road, inquired about the amount of time required to complete the repairs on Carmel Road. The Bay State Gas Company representative indicated that it would be approximately two weeks.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the request as presented. The motion passed 5 – 0.

B. Alcoholic Beverage Licenses

- Samanta Turner, d/b/a Wine-Sense, LTD, 166 North Main Street, Andover, is applying for a Wine and Malt Alcoholic Beverage License at 166 North Main Street. Norma Ettore will be the designated Manager.

Ms. Turner and Ms. Ettore appeared before the Board. Selectmen Hess inquired about their policy on serving minors. Ms. Turner responded that she has 17 years of experience and has completed the TIPS program. Ms. Ettore, presently in the training program, will file her certificate with the Town Clerk when she has completed the program.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the request as presented. The motion passed 5 – 0.

VI. Public Hearings (Cont.)

B. Alcoholic Beverage Licenses (Cont.)

- Brinker Massachusetts Corporation, 6820 LBJ Freeway, Dallas, TX, d/b/a Chili's Grill & Bar, is applying for an All-Alcoholic Restaurant Beverage License at 131 River Road, Andover. Michael Morrill is the designated Manager.

Manager Michael Morrill and an attorney representing Chili's Grill & Bar appeared before the Board. They reported that they are a national chain and have thirty alcoholic licenses in their Massachusetts restaurants. Their managers have completed a nationally recognized training program as per Massachusetts standards. It was noted that the restaurant will open on May 18th.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the request as presented. The motion passed 5 – 0.

Chairman Teichert noted that both of the Alcoholic Beverage license requests were reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

C. Revocation of Storage of Inflammable Licenses

- Pursuant to MGL, Chapter 148, the Board to discuss the revocation of the following Storage of Inflammable licenses:
 - ~ 100 Minuteman Ltd. Partnership, 100 Minuteman Road – 3,400 gal. diesel fuel
 - ~ 50 Minuteman Ltd. Partnership, 50 Minuteman Road – 1,765 gal. diesel fuel

- ~ Academy Manor Nursing Home, 89 Morton Street – 1,000 gal. diesel fuel
- ~ Andover Auto & Truck Service, Larchmont Realty Trust, 85 Essex Street – 500 gal. gasoline & gasoline in cars, paint and paint reducer
- ~ Andover Colonial Drive Condominium Trust, Colonial Drive – 20 gal. Class A, 20 gal. Class B and 110 gal. Methanol
- ~ Nicholas & Grace Aznoian, 77 Main Street – 7 automobiles/7 tanks, 7-stall garage
- ~ Brockway Smith Company, 146 Dascomb Road – 8,000 gal. diesel fuel, 500 gal. #2 diesel oil, 100 gal. paint, 100 gal. anti-freeze, 500 gal. motor oil, 48 gal. propane in six 8-gal. tanks
- ~ Gr. Los Angeles Radio, Inc., 149R Haggetts Pond Road – 1,000 gal. diesel fuel
- ~ Verizon, 20 Shattuck Road – 1,500 gal. #2 diesel fuel
- ~ Verizon, 27 Elm Street – 1,000 gal. #2 diesel oil
- ~ Joseph W. Watson, 43 Lowell Junction Road – 2,000 gal. diesel fuel, 775 gal. #2 heating fuel, 250 gal. misc. motor fuel, 500 gal. motor/waste oil and 1,500 cu. ft. flammable gases

VI. Public Hearings (Cont.)

C. Revocation of Storage of Inflammable Licenses (Cont.)

Following an explanation from Town Clerk Randy Hanson, a motion was made by Selectman Vispoli, seconded by Selectman Major, to approve the request as presented. The motion passed 5 – 0.

- Pursuant to MGL, Chapter 148, the Board to discuss the revocation of a storage of inflammable license for property located at 276 North Main Street, Andover, owned or controlled by Cornelius A. Wood, Jr., Trustee; Rosalyn K. Wood, Trustee and Sasha Associates Trust, based upon the removal of the four 1,000 Class I gasoline tanks making the current license moot and unnecessary.

Following an explanation from Town Clerk Randy Hanson, a motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the request as presented. The motion passed 5 – 0.

Chairman Teichert noted that both Storage of Inflammable License revocations were reviewed and approved by the Fire-Rescue Department and the Town Clerk.

VII. Other Business of the Board

A. Old Business

1. Review of Public Process for Proposed Vietnam Monument in The Park

Selectman Lyman opened the discussion and indicated that the Board's previous approval of the Vietnam Monument in The Park had not included proper notification that this item appeared on the agenda nor had there been any input from the public – both of which are important elements in decisions such as this. She reported that she has received several complaints from residents concerning the Board's action and would like to correct "the break in the process".

Selectman Major reported that Veterans Agent John Doherty had mentioned the Monument when he presented his FY-07 Budget on March 6th and at that time had been invited

to make a formal presentation to the Board at their March 27th meeting.

Mr. Doherty indicated that following the Selectmen's approval on March 27th, he had placed the order for the monument, it is being worked on, partial payment has been made and it is too late to make any changes at this time.

Selectman Vispoli said at the present time there is no Town policy for memorials and suggested that they be included as part of the Design Review Task Force process.

Mary Carbone, 3 Cyr Circle, said it was bad practice for the Selectmen to contemplate changing previous votes taken by the Board.

VII. Other Business of the Board (Cont.)

A. Old Business (Cont.)

1. Review of Public Process for Proposed Vietnam Monument in The Park (Cont.)

Several residents and Veterans spoke in support of the Board's approval to place a long-overdue Vietnam Monument in The Park. Richard Bowen, 12 Bannister Road, gave a brief history about the process used for the Ballardvale Green monument and suggested that a Master Plan and process should be developed for The Park. He stressed the importance of paying attention to public places in Town and that the Selectmen have an obligation to the Town's residents to carefully address their future uses.

Nancy Jeton, 57 Chestnut Street, appeared before the Board. She distributed a detailed document outlining the case of re-considering the Vietnam Memorial proposal and establishing Town guidelines for reviewing proposed changes to public land. She made it clear that the issue before the Board was not a Veterans issue but an important matter of Town heritage as memorials become a long-term piece of Andover's landscape. She said The Park is a precious finite space and decisions regarding its use need to be made within the Town's long-term vision. She discussed the many changes that have been made to The Park over the last twenty years, including six different memorial structures, and offered suggestions for a framework in analyzing such proposals as they come before the Board with citizen participation being an important component of any proposal.

Karen Herman, 50 Sunset Rock Road and Chair of the Preservation Commission, echoed Ms. Jeton's sentiments. She felt the process in approving the Vietnam Memorial was flawed and that historically such votes are taken at Town Meeting. She voiced her strong feelings regarding patriotic service, however, has concerns about how Andover's parks are utilized and that public input on the placement of memorials is vital to the Town's heritage.

Selectman Lyman made a motion to hold a public hearing to obtain citizen input on the location of the Vietnam Monument. The motion failed for a lack of a second.

Selectman Hess said that although the Board has no policy for reviewing memorial proposals he did agree that participation from the public was important, however, he was not a proponent of re-visiting votes taken by the Board. Selectman Vispoli agreed that the Board has an obligation to hear from the public regarding their votes and they need a documented process for the uses of public land.

Ralph and Sharon Mason, 50 Chestnut Street, informed the Board that neither they nor

their neighbors knew anything about the monument until a spotlight was installed illuminating The Park at the end of Chestnut Street. The Town Manager informed those in attendance that he was going to request that National Grid remove the light as he had not authorized its placement, it had not been placed near the proposed location and the monument does not require any type of lighting as it won't have a flagpole.

VII. Other Business of the Board (Cont.)

A. Old Business (Cont.)

1. Review of Public Process for Proposed Vietnam Monument in The Park (Cont.)

Selectman Lyman made a motion to conduct another meeting to discuss the aesthetics and location of the Vietnam Monument so that the public can be properly notified of the discussion. The motion failed for a lack of a second.

When asked by Nancy Jeton if the location of the monument was up for further scrutiny, Chairman Teichert responded that it was not.

B. New Business

1. Police Department FY-07 Fee Increases

Police Chief Brian J. Pattullo appeared before the Board to discuss proposed fee increases effective June 1, 2006 for cruiser private details. He explained that due to an increase in the number of details requiring the use of a cruiser for emergency lights he was proposing that an additional \$10.00 fee be placed on the hourly detail rate to offset the cost of fuel and wear and tear on the Department's fleet of vehicles. He indicated that the proposed fee increase is in addition to any and all other fees currently being charged for the detail such as the officer's hourly rate or administrative fee. He reported that the Department currently absorbs the cost, however, there are a number of Massachusetts communities adopting the same fee increase. He suggested that the Board exempt Town departments from the fee and said that although Mass Highway is exempt from the administrative fee, it would not be exempt from the cruiser fee as it is part of the hourly rate charged for the detail. He said the \$10.00 cruiser fee would be accounted for in the same manner as the administrative fee in the Budget.

A motion was made by Selectman Lyman, seconded by Selectman Major, to approve the \$10.00 cruiser fee for private details as presented by Police Chief Pattullo to be effective June 1, 2006. The motion passed 5 – 0.

2. Proposed Traffic Signal on Route 133 – Raytheon

Raytheon's Traffic Consultant Kevin Dandrade, a Senior Engineer from TEC in Lawrence, Raytheon Facilities Manager Bill Cummings and DPW Director Jack Petkus appeared before the Board to discuss the proposed traffic signal on Route 133 at the entrance to Raytheon.

Mr. Dandrade discussed their traffic counts and analysis showing the need for the traffic control. He gave an overview of the traffic charts distributed to the Board and discussed the proposed mast arm locations for the lights. He indicated that there will be a series of signs to control the lanes, trees will be removed, lane striping will be done and he

VII. Other Business of the Board (Cont.)

B. New Business (Cont.)

2. Proposed Traffic Signal on Route 133 – Raytheon

indicated that most of the intersection lies within the State and Town right-of-way. He said Raytheon will fund the entire project and a tri-party agreement between the Town, Raytheon and Mass Highway will be drafted and signed regarding the placement of the signal.

Selectman Major inquired what the process is now. Mr. Petkus responded that the tri-party agreement needs to be signed and they are waiting to hear from Mass Highway. Safety Officer Robert Cronin said once the lights are installed, the Selectmen will need to vote to incorporate the changes into the Town's Traffic Rules and Regulations.

Several area residents were in attendance and addressed their concerns regarding the location of the mast arm poles in relation to their homes, access from their driveways onto Route 133, the overall volume and flow of traffic on Route 133, the right-turn only approved at the 1988 Annual Town Meeting and their lack of input into the overall design of the project. Police Chief Pattullo addressed several of the concerns regarding traffic flow in the area and the TEC Engineer said the light will not alleviate traffic but will be a change from a police officer directing to the signal.

Fire Lt. James Cuticchia inquired whether Opticomms would be mounted on the mast arms. He stressed their importance for Fire vehicles in responding to calls and said the Fire Department should be included in determining their location on the mast arm. Mr. Dandrade said they were included in the proposal and would work with the Fire Department to work out a plan.

A motion was made by Selectman Vispoli, seconded by Selectman Hess, that a Peer Review by an outside traffic consultant, not to exceed \$2,500, be completed by Raytheon on the proposed traffic signal and that a community meeting be held followed by a report back to the Board with recommendations from the consultant, DPW and Safety Officer before the Board signs the Tri-Party Agreement. The motion passed 5 – 0.

3. "Coalition Bargaining" Presentation

Andover Firefighter John Hines introduced Andrew Powell, a Fire Lieutenant with the Dracut Fire Department who is also associated with Boston Benefit Partners, who made a presentation on MGL Chapter 32B, Section 19, "Coalition Bargaining". He distributed a detailed informational package outlining the benefits and cost savings that would be realized in the Town's health insurance costs with the adoption of Section 19. He explained that Section 19 changes the way negotiations for health care are conducted between municipalities and public employees in that it allows a union coalition and a municipality to negotiate a health insurance plan outside of the normal collective bargaining process. He discussed the role of the Public Employee Committee which is made up of representatives from all of the Town's collective bargaining units and a retiree.

VII. Other Business of the Board (Cont.)

B. New Business (Cont.)

3. "Coalition Bargaining" Presentation (Cont.)

Mr. Powell reported that eight towns in the Commonwealth have adopted Section 19 and have realized substantial savings in their health insurance costs with several other communities considering its adoption at the present time.

The Board engaged in a brief question and answer period and then thanked Mr. Hines and Mr. Powell for their presentation.

4. Review of Fee/Revenue Increases for FY-07

Chairman Teichert opened the discussion regarding fee/revenue increases for FY-07 with particular mention of the building permit fees. The Town Manager provided the Board with an update on the State Budget and reported that the Preliminary House Budget would uncap the Lottery with Andover receiving \$1.8M. He said Chapter 70 funds will be kept at the same level as last year. The House Budget will be debated over the next two weeks and indicated that, historically, the Senate's Budget numbers are usually higher. He reported there were no new numbers for the Circuit Breaker or SPED costs. The Board engaged in a discussion regarding Budget figures and the agenda for the April 11th Tri-Board meeting.

A motion was made by Chairman Teichert, seconded by Selectman Hess, to increase the Building Permit fees from \$12 per \$1,000 to \$13 per \$1,000.

The Board engaged in a lengthy discussion regarding the proposed increases. Selectman Major asked what the purpose was for the increase whether it was revenue generation or good building practice. He felt there was no sound reasoning for the increase at this time. Selectman Lyman felt the Board should have a report from Inspector of Buildings Kaija Gilmore before voting on any increase to the building permit fees.

Chairman Teichert called for a vote on the motion to increase the Building Permit fees. The motion passed 3 – 2 (Opposed – Lyman and Major).

VIII. Approval of Minutes from Previous Meetings

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the minutes of the February 15, 2006 – Joint Meeting. The motion passed 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the minutes of the March 8, 2006 – Joint Meeting. The motion passed 4 – 0 – 1 (Vispoli – abstained).

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the minutes of the March 21, 2006 – Tri-Board Meeting. The motion passed 5 – 0.

VIII. Approval of Minutes from Previous Meetings (Cont.)

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the minutes of the March 27, 2006 – Regular Meeting. The motion passed 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the minutes of the March 29, 2006 – Re-organization Meeting. The motion passed 5 – 0.

IX. Adjournment

A motion was made by Selectman Major, seconded by Selectman Vispoli, to adjourn the meeting. The motion passed 5 – 0. The meeting adjourned at 10:30 P.M.

Respectfully submitted,

Sandra A. Cassano

Sandra A. Cassano
Recording Secretary